## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION DOCKET NO. 5:13-cv-00110-MOC-DSC

EDWARD PATT LIUBOV SKIBO,	)	
	)	
Plaintiffs,	)	
	)	
Vs.	)	ORDER
	)	
GREER LABORATORIES, INC.,	)	
	)	
Defendant.	)	

THIS MATTER is before the Court on relators' Motion for Setting of Peremptory Trial

Date. While the Court is aware of the benefits of a peremptory setting, there are a number of
factors which counsel not allowing such request at this particular point in time. First, a motion
for summary judgment is pending that will not become ripe before April 29, 2019. That motion
is not likely to be reached before the end of May 2019 (assuming 30 days for disposition under
the CJRA), and its resolution may, as defendants argue, resolve this case making a peremptory
setting unnecessary. Second, the confirmation of a new judge for this district is pending. As the
reassignment of this case was occasioned by the movement of Judge Voorhees to Senior Status,
it is likely that this case will be reassigned to the new judge upon confirmation. That
confirmation and reassignment is possible before this Court takes up the summary judgment
matter and appears likely to happen before trial. Thus, this Court does not want to commit to a
trial it may well not conduct or commit another judge to a term not knowing what his calendar

<sup>1</sup> The projected Ready Date for trial in May 2019 is, therefore, not a likely date for trial.

will allow. The request for peremptory setting will, therefore, be denied without prejudice as to seeking such a setting after summary judgment has been resolved.

## **ORDER**

**IT IS, THEREFORE, ORDERED** that relators' Motion for Setting of Peremptory Trial Date (#103) is **DENIED** without prejudice.

Signed: March 26, 2019

Max O. Cogburn Jr United States District Judge